

**ICRC No. EMra10110636**

[REDACTED],  
Complainant,

v.

**HEARTLAND AUTOMOTIVE,**  
Respondent.

### **NOTICE OF FINDING**

The Deputy Director of the Indiana Civil Rights Commission (“Commission”), pursuant to statutory authority and procedural regulations, hereby issues the following Notice of Finding with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred. 910 IAC 1-3-2(b)

On November 22, 2010, [REDACTED] (“Complainant”) filed a complaint with the Commission against Heartland Automotive (“Respondent”) alleging discrimination on the basis of race, sex and religion, in violation of [REDACTED]

[REDACTED] the Indiana Civil Rights Law (IC 22-9, et seq.). Complainant is an employee and Respondent is an employer as those terms are defined by the Civil Rights Law. IC 22-9-1-3(h) and (i) Accordingly, the Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. Both parties have submitted evidence. Based on the final investigative report and a full review of the relevant files

and records, the Deputy Director now finds the following:

The primary issue presented to the Commission is whether Complainant was denied a reasonable accommodation for his religious practice. In order to prevail, Complainant must show that (1) he sincerely holds a religious belief that conflicts with Respondent's policies; (2) he requested a reasonable accommodation for such beliefs and (3) Respondent denied the accommodation without a showing of undue hardship. (Complainant also claims that he was treated less-favorably than similarly situated employees of a different race or sex. No evidence was discovered to substantiate these claims.)

Complainant belongs to the Hebrew Israelite Church, and it is not disputed that he sincerely holds religious beliefs that prohibit him from working from sundown Fridays to sundown Saturdays. It is also not disputed that in late 2009 Respondent required all employees to work some Saturdays in order to meet production goals. On or about October 20, 2009, Complainant requested that he be exempted from this requirement as an accommodation for his sincerely-held religious belief. On October 24, 2009, Respondent denied this request. Rather, Respondent stated that Complainant could 1) exhaust his paid time off for these Saturdays and/or 2) find someone else to work these Saturday shifts for him. Because Complainant was a new employee, he had not accumulated paid leave time sufficient to cover Saturday shifts. While Complainant claims that he had another employee, Darryle, work his Saturday shifts, this could not be confirmed. Regardless, Respondent issued Complainant disciplinary points for missing Saturday work on October 24, November 7 and November 21, 2009. Respondent has not provided evidence to show that Complainant's absences from work on those dates posed even a minimal burden on the operations of its business. If Respondent had not given Complainant disciplinary points for missing those three (3) Saturdays, his point total would not have reached six (6) points by the date of his discharge in October 2010.

Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice occurred. A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged in the above-referenced case. IC 22-9-1-18, 910 IAC 1-3-5 The parties may elect to have these claims heard in the circuit or superior court

in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election, or the Indiana Civil Rights Commission will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

July 19, 2011

Date

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Joshua S. Brewster, Esq.,  
Deputy Director  
Indiana Civil Rights Commission